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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE
THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of) CC Docket No. 95-155
Toll Free Service Access Codes)

COMMENTS OF SMS/800 MANAGEMENT TEAM

The SMS/800 Management Team (SMT)¹ submits its opposition to Petitions for Reconsideration of the Commission's *Fourth Report and Order* (released March 31, 1998, FCC 98-48) in the above-captioned proceeding filed by MCI, the Office of Advocacy of the United States Small Business Administration ("Advocacy"), the Toll Free Users' Coalition ("Coalition"), and the Direct Marketing Association ("DMA"). These parties seeking reconsideration shall be collectively referred to as the "Petitioners." SMT supports the Commission's decision to allow all numbers in the 877 and subsequent toll free service access codes (SACs) to be assigned on a first-come, first-served basis and urges that the petitions be denied. Contrary to the claims of the Petitioners, the first come, first served assignment scheme adopted by the Commission best assures that the allocation of toll free numbers is orderly, efficient and fair.

¹ SMT was formed in 1993 to provide the joint structure necessary to assure the proper management and oversight of services provided utilizing the 800 Service Management System (SMS/800). Those services are set out in the SMS/800 Functions Tariff, F.C.C. No. 1 (SMS/800 Tariff). The SMT consists of a representative from Ameritech, Bell Atlantic, BellSouth, SBC, US West (BOCs). It provides management oversight for services available under the terms and conditions of the SMS/800 Tariff.

A. A First-Come, First-Served Process Simplifies Administration of the Toll Free Number Assignment Process and Promotes Order and Efficiency.²

The SMS 800 System identifies Resp Org requests for numbers by date and time of request. As a result, the "first" customer is, by operation of the system, quickly and efficiently identified and the number requested, if available, is assigned. Since that factor is the only relevant consideration in the Commission's vanity number allocation system, administration is simplified and costs are minimized by adoption of that system. Although the SMS 800 System could be revised to allocate numbers on any number of bases, each alternative has inherent additional costs. Such costs include the expenses of programming and other required systems modifications. In contrast, the first-come, first-served process simply requires a determination of the availability of the requested number; if it is available, it is assigned to the first requesting customer. Such a system offers obvious efficiencies. Moreover, this process is consistent with the customary methods used to assign other telephone numbers. Use of the first-come, first-served method also avoids the ongoing costs of maintaining and operating a more involved allocation methodology. The Commission's prior determinations as to the efficiency of its first-come, first-served methodology were correct and the Petitioner's requests for reconsideration should be denied.

B. A First-Come, First-Served Process Is Inherently Fair and Non-Discriminatory.

The first-come, first-served process, because it allocates numbers on the basis of a single, objective and measurable criteria, i.e. time of receipt of request, is obviously fair and non-discriminatory. It provides no advantage to any particular group or class of subscribers. New subscribers have the same opportunity to secure a given number as does an incumbent. Telephone numbers are a public resource and fairness dictates that all subscribers have an equal opportunity to

² SMT would note that first-come, first-served is determined by when the customer's reservation is made in the SMS 800 System and not when the customer notifies its service provider or Resp Org of its desire to use or reserve a number.

secure the use of those numbers. Moreover, since any given vanity number can have a variety of applications (limited only by the bounds of the subscribers creativity) one can not assume that numbers will be secured to foreclose any other subscriber's use of that number.

A right of first refusal allocation process, on the other hand, would favor incumbent subscribers and would discriminate against new subscribers since they would have no reasonable opportunity to secure the reserved number for their business. SMT believes that the property rights of incumbents to the vanity aspects of a given number are already adequately protected by existing intellectual property laws. Toll free numbers are a public resource and should be equally available to all subscribers.

Respectfully submitted,

SMS/800 MANAGEMENT TEAM

A handwritten signature in cursive script, appearing to read "Kevin M. Sullivan", is written over a horizontal line.

KEVIN M. SULLIVAN

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing COMMENTS OF SMS/800 MANAGEMENT TEAM was hand delivered or sent by United States first-class mail, postage prepaid, on this 15 day of June, 1998 to the below listed parties;


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